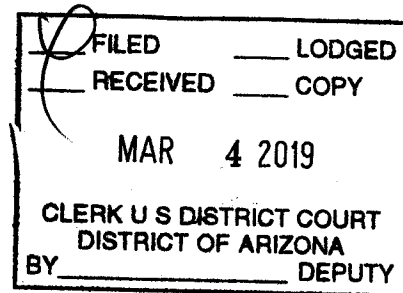
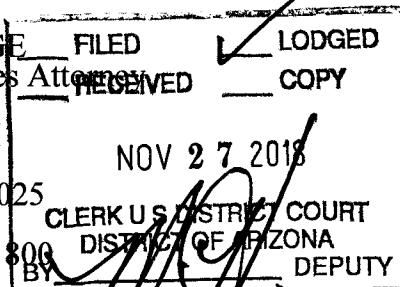


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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,  
  
Plaintiff,  
  
vs.  
  
Armando Pablo Ochoa,  
  
Defendant.

CR-18-01169-PHX-DLR

**PLEA AGREEMENT**

Plaintiff, United States of America, and the defendant, ARMANDO PABLO OCHOA, hereby agree to dispose of this matter on the following terms and conditions:

**1. PLEA**

The defendant will plead guilty to Count 2 of the Indictment charging the defendant with a violation of 18 United States Code (U.S.C.) §§ 924(c)(1)(a)(iii), Use of a Firearm in Relation to a Crime of Violence.

**2. MAXIMUM PENALTIES**

a. A violation of 18 United States Code (U.S.C.) §§ 924(c)(1)(a)(iii), is punishable by a maximum fine of \$250,000.00, a mandatory minimum term of not less than 10 years imprisonment and up to life, or both.

b. According to the Sentencing Guidelines issued pursuant to the Sentencing Reform Act of 1984, the Court shall order the defendant to:

(1) make restitution to any victim of the offense pursuant to 18 U.S.C. §

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1 3663 and/or 3663A, unless the Court determines that restitution would not be appropriate;

2 (2) pay a fine pursuant to 18 U.S.C. § 3572, unless the Court finds that a  
3 fine is not appropriate;

OF UP TO THREE YEARS

4 (3) serve a term of supervised release when required by statute or when a  
5 sentence of imprisonment of more than one year is imposed (with the understanding that  
6 the Court may impose a term of supervised release in all other cases); and

7 (4) pay upon conviction a \$100 special assessment for each count to  
8 which the defendant pleads guilty pursuant to 18 U.S.C. § 3013(a)(2)(A).

9 c. The Court is required to consider the Sentencing Guidelines in determining  
10 the defendant's sentence. However, the Sentencing Guidelines are advisory, and the Court  
11 is free to exercise its discretion to impose any reasonable sentence up to the maximum set  
12 by statute for the crime of conviction, unless there are stipulations to the contrary that the  
13 Court accepts.

14 d. The defendant understands and acknowledges that a conviction may result in  
15 the defendant losing eligibility for certain Welfare, Food Stamp and Social Security  
16 benefits. The defendant may lose other federal benefits pursuant to Title 21, United States  
17 Code, Section 862.

18 e. Assets and Financial Responsibility. The defendant shall make a full  
19 accounting of all assets in which the defendant has any legal or equitable interest. The  
20 defendant shall not (and shall not aid or abet any other party to) sell, hide, waste, spend, or  
21 transfer any such assets or property before sentencing, without the prior approval of the  
22 United States (provided, however, that no prior approval will be required for routine, day-  
23 to-day expenditures). The defendant also expressly authorizes the United States Attorney's  
24 Office to immediately obtain a credit report as to the defendant in order to evaluate the  
25 defendant's ability to satisfy any financial obligation imposed by the Court. The  
26 defendant also shall make full disclosure of all current and projected assets to the U.S.  
27 Probation Office immediately and prior to the termination of the defendant's supervised  
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1 release or probation, such disclosures to be shared with the U.S. Attorney's Office,  
2 including the Financial Litigation Unit, for any purpose. Finally, the defendant shall  
3 participate in the Inmate Financial Responsibility Program to fulfill all financial obligations  
4 due and owing under this agreement and the law.

5 **3. AGREEMENTS REGARDING SENTENCING**

6 a. Stipulation. Pursuant to Fed. R. Crim. P. 11(c)(1)(C), the United States and  
7 the defendant stipulate that the defendant shall be sentenced to 10 years of imprisonment.

8 b. Acceptance of Responsibility. If the defendant makes full and complete  
9 disclosure to the U.S. Probation Office of the circumstances surrounding the defendant's  
10 commission of the offense, and if the defendant demonstrates an acceptance of  
11 responsibility for this offense up to and including the time of sentencing, the United States  
12 will recommend a two-level reduction in the applicable Sentencing Guidelines offense  
13 level pursuant to U.S.S.G. § 3E1.1(a). If the defendant has an offense level of 16 or more,  
14 the United States will move for an additional one-level reduction in the applicable  
15 Sentencing Guidelines offense level pursuant to U.S.S.G. § 3E1.1(b).

16 c. Non-Binding Recommendations. The defendant understands that  
17 recommendations are not binding on the Court. The defendant further understands that the  
18 defendant will not be permitted to withdraw the guilty plea if the Court does not follow a  
19 recommendation.

20 d. Restitution. Pursuant to 18 U.S.C. § 3663 and/or 3663A, the defendant  
21 specifically agrees to pay full restitution, regardless of the resulting loss amount but in no  
22 event more than \$250,000.00, to all victims directly or proximately harmed by the  
23 defendant's "relevant conduct," including conduct pertaining to any dismissed counts or  
24 uncharged conduct, as defined by U.S.S.G. § 1B1.3, regardless of whether such conduct  
25 constitutes an "offense" under 18 U.S.C. §§ 2259, 3663 or 3663A. The defendant  
26 understands that such restitution will be included in the Court's Order of Judgment and that  
27 an unanticipated restitution amount will not serve as grounds to withdraw the defendant's  
28

1 guilty plea or to withdraw from this plea agreement.

2 e. Stipulation. Pursuant to Fed. R. Crim. P. 11(c)(1)(C), the United States and  
3 the defendant stipulate that the defendant shall forfeit any interest in the following property,  
4 identified in Federal Bureau of Investigation Report number 198N-PX-2957250, serial  
5 numbers 28 and 36:

- 6 1. One magazine containing 10 .556 rounds of ammunition;
- 7 2. One magazine containing three .556 rounds of ammunition;
- 8 3. One black Glock 17 firearm, serial number BGXP725;
- 9 4. One black magazine containing 16 rounds of 9mm ammunition;
- 10 5. Five .45 rounds of ammunition and three rounds of .223 ammunition;
- 11 6. One green ammunition can containing 160 rounds of 5.56 ammunition and 200  
12 rounds of .223 ammunition;
- 13 7. One green ammunition can containing 290 rounds of .45 ammunition and 1  
14 empty .223 shell casing;
- 15 8. One box of 70 rounds of federal brand .223 ammunition;
- 16 9. Fifty rounds of HPR.38 special ammunition;
- 17 10. Eight rounds of El Dorado Star Fire brand .38 special ammunition;
- 18 11. One .38 special Ruger brand revolver, with holster, serial number 159-79357;
- 19 12. Six Eldorado brand .38 special rounds of ammunition;
- 20 13. One AR-15 Pattern rifle, serial number NSO14777;
- 21 14. One Mossberg International brand .22 caliber rifle, serial number EMJ3943269;
- 22 15. One magazine with 17 rounds of ammunition;
- 23 16. One empty magazine and one blue box containing 75 rounds of ammunition;
- 24 17. One .45 caliber Ruger brand handgun, serial number 66385432;
- 25 18. One Winchester Supreme Elite brand .40 caliber round of ammunition and 11  
26 Blazer Brass brand 9mm rounds of ammunition;
- 27 19. One full magazine containing unknown rounds of ammunition.
- 28

1     **4. AGREEMENT TO DISMISS OR NOT TO PROSECUTE**

2             a. Pursuant to Fed. R. Crim. P. 11(c)(1)(A), the United States shall dismiss the  
3 following charges: Counts 1 and 3.

4     **5. COURT APPROVAL REQUIRED; REINSTITUTION OF PROSECUTION**

5             a. If the Court, after reviewing this plea agreement, concludes that any  
6 provision contained herein is inappropriate, it may reject the plea agreement and give the  
7 defendant the opportunity to withdraw the guilty plea in accordance with Fed. R. Crim. P.  
8 11(c)(5).

9             b. If the defendant's guilty plea or plea agreement is rejected, withdrawn,  
10 vacated, or reversed at any time, this agreement shall be null and void, the United States  
11 shall be free to prosecute the defendant for all crimes of which it then has knowledge and  
12 any charges that have been dismissed because of this plea agreement shall automatically  
13 be reinstated. In such event, the defendant waives any and all objections, motions, and  
14 defenses based upon the Statute of Limitations, the Speedy Trial Act, or constitutional  
15 restrictions in bringing later charges or proceedings. The defendant understands that any  
16 statements made at the time of the defendant's change of plea or sentencing may be used  
17 against the defendant in any subsequent hearing, trial, or proceeding subject to the  
18 limitations of Fed. R. Evid. 410.

19     **6. WAIVER OF DEFENSES AND APPEAL RIGHTS**

20             The defendant waives (1) any and all motions, defenses, probable cause  
21 determinations, and objections that the defendant could assert to the indictment or  
22 information; and (2) any right to file an appeal, any collateral attack, and any other writ or  
23 motion that challenges the conviction, an order of restitution or forfeiture, the entry of  
24 judgment against the defendant, or any aspect of the defendant's sentence, including the  
25 manner in which the sentence is determined, including but not limited to any appeals under  
26 18 U.S.C. § 3742 (sentencing appeals) and motions under 28 U.S.C. §§ 2241 and 2255  
27 (habeas petitions), and any right to file a motion for modification of sentence, including  
28

1 under Title 18, United States Code, Section 3582(c). This waiver shall result in the  
2 dismissal of any appeal, collateral attack, or other motion the defendant might file  
3 challenging the conviction, order of restitution or forfeiture, or sentence in this case. This  
4 waiver shall not be construed to bar an otherwise-preserved claim of ineffective assistance  
5 of counsel or of "prosecutorial misconduct." (as that term is defined by Section II.B of  
6 Ariz. Ethics Op. 15-01 (2015)).

7 **7. DISCLOSURE OF INFORMATION**

8 a. The United States retains the unrestricted right to provide information and  
9 make any and all statements it deems appropriate to the U.S. Probation Office and to the  
10 Court in connection with the case.

11 b. Any information, statements, documents, and evidence that the defendant  
12 provides to the United States pursuant to this agreement may be used against the defendant  
13 at any time.

14 c. The defendant shall cooperate fully with the U.S. Probation Office. Such  
15 cooperation shall include providing complete and truthful responses to questions posed by  
16 the U.S. Probation Office including, but not limited to, questions relating to:

- 17 (1) criminal convictions, history of drug abuse, and mental illness; and  
18 (2) financial information, including present financial assets or liabilities  
19 that relate to the ability of the defendant to pay a fine or restitution.

20 **8. FORFEITURE, CIVIL, AND ADMINISTRATIVE PROCEEDINGS**

21 a. Nothing in this agreement shall be construed to protect the defendant from  
22 administrative or civil forfeiture proceedings or prohibit the United States from proceeding  
23 with and/or initiating an action for civil forfeiture. Pursuant to 18 U.S.C. § 3613, all  
24 monetary penalties, including restitution imposed by the Court, shall be due immediately  
25 upon judgment, shall be subject to immediate enforcement by the United States, and shall  
26 be submitted to the Treasury Offset Program so that any federal payment or transfer of  
27 returned property the defendant receives may be offset and applied to federal debts (which  
28

offset will not affect the periodic payment schedule). If the Court imposes a schedule of payments, the schedule of payments shall be merely a schedule of minimum payments and shall not be a limitation on the methods available to the United States to enforce the judgment.

**9. ELEMENTS**

**Use of a Firearm in Relation to a Crime of Violence**

On or about July 17, 2018, in the District of Arizona:

1. The defendant committed the crime of Hobbs Act Robbery, a crime of violence, as charged in Count 1 of the Indictment; and
2. The defendant knowingly brandished and discharged a firearm during and in relation to that crime.

**10. FACTUAL BASIS**

a. The defendant admits that the following facts are true and that if this matter were to proceed to trial the United States could prove the following facts beyond a reasonable doubt:

On or about July 17, 2018, I, Armando Pablo Ochoa, along with Ryan Pearson, while on the Tonto Apache Indian Reservation, within the District of Arizona, did intentionally commit the crime of Hobbs Act Robbery while each of us was armed with a firearm. Specifically, Ryan Pearson and I went into the Mazatal Casino, armed with firearms. We approached employees of the casino and brandished our firearms. We then each fired the firearm we were carrying to threaten the employees to force them to open a vault. Once the vault was open, we removed approximately \$650,000.00 in United States currency, which had travelled in interstate commerce. We subsequently fled the casino with the United States currency.

b. The defendant shall swear under oath to the accuracy of this statement and, if the defendant should be called upon to testify about this matter in the future, any intentional material inconsistencies in the defendant's testimony may subject the defendant



1 to additional penalties for perjury or false swearing, which may be enforced by the United  
2 States under this agreement.

3 **APPROVAL AND ACCEPTANCE OF THE DEFENDANT**

4 I have read the entire plea agreement with the assistance of my attorney. I  
5 understand each of its provisions and I voluntarily agree to it.

6 I have discussed the case and my constitutional and other rights with my attorney.  
7 I understand that by entering my plea of guilty I shall waive my rights to plead not guilty,  
8 to trial by jury, to confront, cross-examine, and compel the attendance of witnesses, to  
9 present evidence in my defense, to remain silent and refuse to be a witness against myself  
10 by asserting my privilege against self-incrimination, all with the assistance of counsel, and  
11 to be presumed innocent until proven guilty beyond a reasonable doubt.

12 I agree to enter my guilty plea as indicated above on the terms and conditions set  
13 forth in this agreement.

14 I have been advised by my attorney of the nature of the charges to which I am  
15 entering my guilty plea. I have further been advised by my attorney of the nature and range  
16 of the possible sentence and that my ultimate sentence shall be determined by the Court  
17 after consideration of the advisory Sentencing Guidelines.

18 My guilty plea is not the result of force, threats, assurances, or promises, other than  
19 the promises contained in this agreement. I voluntarily agree to the provisions of this  
20 agreement and I agree to be bound according to its provisions.

21 I understand that if I am granted probation or placed on supervised release by the  
22 Court, the terms and conditions of such probation/supervised release are subject to  
23 modification at any time. I further understand that if I violate any of the conditions of my  
24 probation/supervised release, my probation/supervised release may be revoked and upon  
25 such revocation, notwithstanding any other provision of this agreement, I may be required  
26 to serve a term of imprisonment or my sentence otherwise may be altered.

27 This written plea agreement, and any written addenda filed as attachments to this  
28



1 plea agreement, contain all the terms and conditions of the plea. Any additional  
 2 agreements, if any such agreements exist, shall be recorded in a separate document and  
 3 may be filed with the Court under seal; accordingly, additional agreements, if any, may not  
 4 be in the public record.

5 I further agree that promises, including any predictions as to the Sentencing  
 6 Guideline range or to any Sentencing Guideline factors that will apply, made by anyone  
 7 (including my attorney) that are not contained within this written plea agreement, are null  
 8 and void and have no force and effect.

9 I am satisfied that my defense attorney has represented me in a competent manner.

10 I fully understand the terms and conditions of this plea agreement. I am not now  
 11 using or under the influence of any drug, medication, liquor, or other intoxicant or  
 12 depressant that would impair my ability to fully understand the terms and conditions of this  
 13 plea agreement.

14 11-27-18  
 15 Date

  
 16 ARMANDO PABLO OCHOA  
 Defendant

#### 17 APPROVAL OF DEFENSE COUNSEL

18 I have discussed this case and the plea agreement with my client in detail and have  
 19 advised the defendant of all matters within the scope of Fed. R. Crim. P. 11, the  
 20 constitutional and other rights of an accused, the factual basis for and the nature of the  
 21 offense to which the guilty plea will be entered, possible defenses, and the consequences  
 22 of the guilty plea including the maximum statutory sentence possible. I have further  
 23 discussed the concept of the advisory Sentencing Guidelines with the defendant. No  
 24 assurances, promises, or representations have been given to me or to the defendant by the  
 25 United States or any of its representatives that are not contained in this written agreement.  
 26 I concur in the entry of the plea as indicated above and that the terms and conditions set  
 27 forth in this agreement are in the best interests of my client. I agree to make a bona fide  
 28

1 effort to ensure that the guilty plea is entered in accordance with all the requirements of  
2 Fed. R. Crim. P. 11.

3  
4 11/27/2018  
Date

  
GREGORY BARVOLOMEI  
Attorney for Defendant

6  
7 **APPROVAL OF THE UNITED STATES**

8 I have reviewed this matter and the plea agreement. I agree on behalf of the United  
9 States that the terms and conditions set forth herein are appropriate and are in the best  
10 interests of justice.

11 ELIZABETH A. STRANGE  
12 First Assistant United States Attorney  
District of Arizona

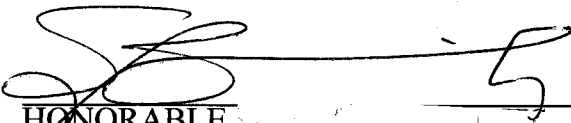
13  
14 11-27-18  
Date

FOR

  
ANTHONY W. CHURCH  
Assistant U.S. Attorney

16 **ACCEPTANCE BY THE COURT**

17  
18 3-4-19  
Date

  
HONORABLE  
United States District Judge